

Docket No.: IA 1508.01A US  
USSN: 09/295,826

PATENT  
Art Unit: 3621

### **REMARKS**

Claims 1-20 are pending in the present application.

This Amendment is in response to the Office Action mailed December 19, 2003. In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 103. Applicant has amended claims 1, 2, 4, 5, 9, 11, 12, 15, and 19. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### **I. FORMS PTO-1449**

Applicant kindly requests that the Examiner sign and initial a copy of the Forms PTO-1449 as filed on November 14, 2000 and June 4, 2002 (copies enclosed). Copies of the return, date-stamped postcards are also submitted. Applicant further requests that a signed and initialed copy of the PTO-1449 forms be returned to Applicant's mailing address to complete Applicant's records.

#### **II. REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1-6, 8, 10, 11-16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gracenote.com ("Gracenote") in view of U.S. patent no. 5,825,883 issued to Archibald et al. ("Archibald") and in further view of U.S. patent no. 4,658,093 issued to Hellman ("Hellman") and in further view of U.S. patent no. 5,953,423 ("Rosen"). The Examiner also rejected claims 7, 9, 17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Gracenote in view of Archibald, and further in view of U.S. patent no. 6,081,785 issued to Oshima et al ("Oshima") and further in view of Hellman and in further view of Rosen. Applicant respectfully traverses the rejections for the following reasons.

Gracenote discloses a music software player that when a consumer listens to an audio CD in a CD-ROM drive, the software reaches out to a database to provide the consumer the name of the artist, album and song he/she is listening to (Gracenote, paragraph 7). Unlike the present invention, Gracenote does not disclose combining

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user information from a server database with the BCA information to trigger a transaction for a payment.

Archibald discloses a method for a collection agency to generate debiting and crediting information. The method determines whether a digital application use information message has been received from the user. The digital application use information message includes a user identification code, amount of use, and a digital application identification code (Archibald, FIG. 4, Col. 16 (lines 28-47)). The present invention, however, discloses combining user information from a server database with the BCA information to trigger a transaction for a payment.

Hellman discloses nothing more than an operation of a base unit during generation of a request for software use. Column 10, lines 33-65 disclose an implementation of the base unit during use of a software package. It discloses that a user is prevented from using software for which he does not have current authorized use. This however, is not the combining of user information from a server database with the BCA information to trigger a transaction for a payment.

Rosen discloses a security for a monetary system. Figure 7 shows an "establish session" protocol which uses encryption. Rosen, does not, however, disclose combining user information from a server database with the BCA information to trigger a transaction for a payment.

Oshima discloses a method of recording and reproducing for recording limitation to one RAM disk with a BCA. The decoding data is a particular piece of software such as the scramble release key for the particular decoder system ID ... and a recording permission card (Oshima, FIG. 24). In contrast, the present invention discloses combining user information from a server database with the BCA information to trigger a transaction for a payment.

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Gracenote, Archibald, Hellman, Rosen, and Oshima taken alone or in any combination, do not disclose, suggest, or render obvious combining user information from a server database with the BCA information to trigger a transaction for a payment.

Therefore, Applicant believes that independent claims 1, 11 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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**CONCLUSION**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: March 18, 2004



Caroline Do, Esq.  
Reg. No. 47,529

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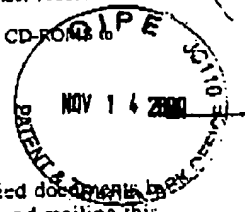
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**COPY**

Colari, SYSTEM, METHOD AND ARTICLE  
OF MANUFACTURE FOR THE PURCHASE  
AND USE OF ELECTRONIC CONTENT  
UTILIZING A LARGE CENTRIC MEDIUM  
S.N. 09/295,826

TFL/bjk  
November 10, 2000  
68615 (7236)

Information Disclosure Statement (2 pgs); PTO 1449 (1 pg)  
European Patent Office, Patent Abstract of Japan, Publication Number 10063562  
Publication Date March 6, 1998 (1 pg)  
Article: MASCHIA M ET AL: Interactive education: Transitioning CD-ROMs to  
the Web (3 pgs)



Hon. Commissioner of Patents  
Sir:

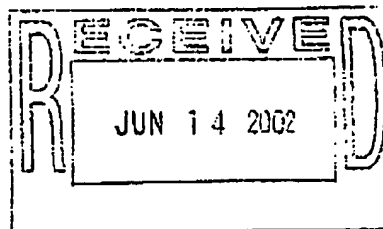
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applying the Patent and Trademark Office receipt hereto and mailing this  
card.

Respectfully,  
SINSHEIMER, SCHIEBELHUT, BAGGETT & TANGEMAN

Sheet 1 of 1

Form PTO-1449 (Modified)					Docket Number 68615		Application Number 09/295,826						
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)					Applicant Collari								
					Filing Date 4/21/99		Group Art Unit 2753						
<b>U.S. PATENT DOCUMENTS</b>													
Examiner Initial		DOCUMENT NUMBER						DATE	NAME	CLASS	SUB CLASS	FILING DATE	
	AA												
	AB												
	AC												
	AD												
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<b>FOREIGN PATENT DOCUMENTS</b>													
		DOCUMENT NUMBER						DATE	COUNTRY	CLASS	SUB CLASS	Translation YES NO	
	AL												
	AM												
	AN												
	AO												
	AP												
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>													
	AQ	MASCHA M ET AL: "Interactive education: Transitioning CD-ROMS to the Web" COMPUTER NETWORKS AND ISDN SYSTEMS. NL., NORTH HOLLAND PUBLISHING. AMSTERDAM, vol 27, no. 2, 1 November 1994, pages 267 through 272											
	AR	European Patent Office, Patent Abstracts of Japan: Publication Number 10063562, Publication date 06/03/98; Application Date 21/08/96, Application Number 08219994; Applicant Hitachi LTD; Inventor Kuwabara Teiji; Int.Cl. G06F 12/00 G06F 13/00 G06F 13/00; Title: Package Medium, Electronic Mail and Terminal Equipment											
EXAMINER										DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.													

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office:

Inventor(s): Todd R. Collart

Attorney: Steve A. Wong, Esq.

Serial No.: 09/295,826

Docket No.: IA 1508.01A US

Filed: April 21, 1999

Art Unit: 2614 Confirmation No. 7629

For: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR THE PURCHASE AND USE OF ELECTRONIC CONTENT UTILIZING A LASER-CENTRIC MEDIUM

1. Supplemental Information Disclosure Statement, copy of International Search Report, Form 1449 and cited references;
2. Cover Letter;
3. Stamped, Self-Addressed Postcard (Control No. 3K0B0H);
4. Certificate of Mailing dated May 30, 2002

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Form PTO-1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET  
IA 1508.01A USERIAL NO.  
09/295,826INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT  
Todd R. Collart

(37 CFR 1.98(b))

FILING DATE  
4/21/99GROUP  
2614

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,023,907	06/11/91	Johnson et al.			
	AB						
	AC						

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES	NO
	F01	809244 A2	11/25/97	EP				
	F02	99/14678	3/25/99	WO				
	F03							
	F04							

## OTHER DOCUMENTS (Including Author, Title, Date\*\*, Relevant Pages, Place of Publication\*\*\*)

	P01	
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\*AUTHORIZATION TO CHARGE APPLICANT'S DEPOSIT\*  
 \*ACCOUNT FOR ENTRY OF THESE REFERENCES HAS\*  
 \*BEEN GIVEN IN THE STATEMENT SUBMITTED HEREWITH\*

EXAMINER

DATE CONSIDERED

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